individuals with handicaps is not pro-hibited by this part.

(d) The Foundation shall administer programs and activities in the most in-tegrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 606.31–606.39 [Reserved]

§ 606.40 Employment.

No qualified individual with handi-caps shall, on the basis of handicap, be subjected to discrimination in employ-ment under any program or activity conducted by the Foundation. The defi-nitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally con-ducted programs or activities.

§§ 606.41–606.49 [Reserved]

§ 606.50 Program accessibility: Dis-crimination prohibited.

Except as otherwise provided in §606.51, no qualified individual with handicaps shall, because the Founda-tion's facilities are inaccessible to or unusable by individuals with handi-caps, be denied the benefits of, be ex-cluded from participation in, or other-wise be subjected to discrimination under any program or activity con-ducted by the Foundation.

§ 606.51 Program accessibility: Exist-ing facilities.

(a) *General.* The Foundation shall op-erate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handi-caps. This paragraph does not—

(1) Necessarily require the Founda-tion to make each of its existing facili-ties accessible to and usable by individ-uals with handicaps; or

(2) Require the Foundation to take any action that it can demonstrate would result in a fundamental alter-ation in the nature of a program or ac-tivity or in undue financial and admin-istrative burdens. In those cir-cumstances where Foundation per-sonnel believe that the proposed action would fundamentally alter the program

or activity or would result in undue fi-nancial and administrative burdens, the Foundation has the initial burden of establishing that compliance with §606.51(a) would result in such alter-ation or burdens. The decision that compliance would result in such alter-ation or burdens must be made by the Foundation Director or his or her des-ignee after considering all Foundation resources available for use in the fund-ing and operation of the conducted pro-gram or activity, and must be accom-panied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alter-ation or burdens, the Foundation shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the pro-gram or activity.

(b) *Methods.* The Foundation may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, de-livery of services at alternate acces-sible sites, alteration of existing facili-ties and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily ac-cessible to and usable by individuals with handicaps. The Foundation is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Foundation, in making alterations to existing build-ings, shall meet accessibility require-ments to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choos-ing among available methods for meet-ing the requirements of this section, the Foundation shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated set-ting appropriate.

(c) *Time period for compliance.* The Foundation shall comply with the obli-gations established under this section within 60 days of the effective date of this part except that where structural

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